

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

UNITED STATES,

Plaintiff,

v.

BEN-CEN, INC.,

Defendant.

No.

MOTION FOR SPECIAL APPOINTMENT TO SERVE PROCESS

STATEMENT & DISCUSSION

PLAINTIFF, the United States of America, by and through its attorneys, moves the Court pursuant to Fed. R. Civ. P. 4.1(a) to specially appoint Thomas Anastasia, a special agent of the Internal Revenue Service, to serve the Complaint to Enforce Internal Revenue Summons, Declaration of Thomas Anastasia, and Order to Show Cause upon Ben-Cen, Inc., a Delaware Corporation, defendant in this action, and represents that:

1. Said Thomas Anastasia is competent and not less than eighteen (18) years of age;
2. Said Thomas Anastasia is not and will not be a party to this action; and
3. Granting this motion will result in substantial savings in fees, travel costs, and time.
4. The relief sought herein is consistent with the procedures set forth in Local Rule 4.1.2.

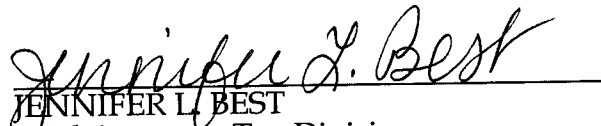
CONCLUSION

It is the position of the United States that the motion for special appointment to serve process ought to be granted.

DATE: January 3, 2006.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney


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